

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

December 19, 2005

TO: Internal File

THRU: Jerriann Ernstsens, Ph.D., Environmental Scientist, Biology Lead

FROM: Jerriann Ernstsens, Ph.D., Environmental Scientist, Biology

RE: Energy West Mining Inc., PacifiCorp, Deer Creek Mine, C/015/0018, Task ID #2351

SUMMARY:

The Permittee submitted an amendment on October 11, 2005 to remove a buffer zone for a gas well located within the Mill Fork permit boundary. This amendment also included the changes required to relocate confidential information.

This memo provides evaluations of the review of the Biology and Archeology Information sections.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

PERMIT APPLICATION FORMAT AND CONTENTS

Regulatory Reference: 30 CFR 777.11; R645-301-120.

Analysis:

The Mine and Reclamation Plan (MRP) does not meet the requirements of R645-301-121.300 for the Biology Chapter or Archeology Section because the Permittee does not present information that follows Division format. The Permittee must address the issues listed in Findings for this section.

Findings:

Information provided in the plan does not meet the minimum Permit Application Format and Contents in General Contents requirements of the regulations. Prior to approval, the Permittee must act in accordance with the following:

R645-301-121.300, The changes to the MRP that relate to the relocation of confidential documents are not clear. The Permittee prepared and provided a Confidential Binder that included a cover and spine that clearly states the mine names, numbers, and a binder volume named "Confidential and Private Information". The binder, however, must include chapter, appendix, and map tabs that match the name and sequence pattern found in the MRP (non-confidential volumes). The confidential binder(s) should follow the same format as the non-confidential volume set. For example, Deer Creek tabs for chapters that include confidential information include the following: Biology and Land Use & Air Quality. Following your same formatting allows readers to quickly turn to the right chapter to review confidential documents. Also, the replacement (or relocation) pages must include the title of the relocated document, date of the relocation, and new location of relocated document (Confidential Binder, Division Oil Gas and Mining PIC room, SLC Utah). Currently, the documents are located only under mine name tabs, therefore, all the disciplines are under the same tab. A reviewer has to filter through numerous documents in order to find the proper document. • The Permittee must stamp all incoming confidential documents with the word "Confidential". Currently, the MFS1852B is missing this labeling. Also, the Permittee must submit confidential documents in a separate folder (stamped "Confidential") from the rest of an application. This folder will alert our staff that there is a confidential file and to scan this document to a confidential e-folder. The Division cautions that there may be other maps that the Permittee illustrates raptor nest results. These maps must be labeled and filed and Confidential.

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.12; R645-301-411.

Analysis:

The MRP still includes confidential descriptions of two historic resources. The Permittee must relocate these paragraphs to the confidential folder (R645-300-124.300). The Division suggests providing a relocation clause, such as, "A summary of historic resources is in the Confidential Binder - Chapter 4" and suggests relocating these paragraphs behind the Chapter 4

tab.

Findings:

Information provided in the plan does not meet the minimum Environmental - Historic and Archeological Resource Information requirements of the regulations. Prior to approval, the Permittee must act in accordance with the following:

R645-300-124.330, The MRP still includes confidential descriptions (also refer to R645-301-411) of two historic resources. The Permittee must relocate these paragraphs to the confidential folder. The Division suggests providing a relocation clause, such as, "A summary of historic resources is in the Confidential Binder - Chapter 4" and suggests relocating these paragraphs behind the Chapter 4 tab. • The Permittee did not relocate confidential information from Volume 11 (e.g., Raptor map).

MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

Analysis:

Vegetation Reference Area Maps

The MRP meets R645-301-323.100 because vegetation maps illustrate community types within disturbed and reference areas, as well as illustrate the location of reference areas. The Permittee removed from the vegetation map, as well as the elk, moose, and deer maps, the buffer zone for a gas well located in the lower portion of the Mill Fork permit area (section 23). The Permittee negotiated with the managers of the well to remove the protection zone so Deer Creek could maximize coal recovery.

Findings:

Information provided in the plan meets the minimum Environmental - Maps, Plans, and Cross Section Resource Information requirements of the regulations.

RECOMMENDATION

Do not approve this amendment until Permittee addresses deficiencies.